

State Boundary Commission

Who Are We???

Chris Beland, Director, Office of Land Survey & Remonumentation
Kevin O'Brien, P.S., State Boundary Commission Liaison

Michigan House of Representatives
Local Government Committee
Thursday, March 7, 2013

State Boundary Commission

Where Do You Find the State Boundary Commission?

State Boundary Commission (SBC)

is housed in...

Office of Land Survey & Remonumentation (OLSR)

is housed in...

Bureau of Construction Codes (BCC)

is housed in...

Department of Licensing and Regulatory Affairs (LARA)



CUSTOMER DRIVEN. BUSINESS MINDED.

State Boundary Commission

Who is the SBC?

The SBC was created by statute in 1968 and is responsible for adjudicating many types of municipal boundary adjustments, including incorporations, consolidations, and annexations. Executive Order #1996-2 transferred the final authority for all SBC cases to the director of the Department of Licensing and Regulatory Affairs (LARA). The Office of Land Survey and Remonumentation provides staff support to the SBC.



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Who is the SBC? (cont.)

The SBC serves as a quasi-judicial body, evaluating petitions for proposed boundary adjustments against statutory criteria in order to protect the interests of property owners, local residents, local units of government, etc.

Three state members are appointed by the governor. Two county/local members are appointed by the chief probate judge of the county. The chief probate judge also appoints two additional members to serve as alternates within the county. Members serve three-year terms or until reappointed or replaced.



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Authority of the SBC

State Boundary Commission, 1968 PA 191

- Home Rule City Act, 1909 PA 279
- Home Rule Village Act, 1909 PA 278

Executive Reorganization Order #1996-2

- Under ERO #1996-2 the SBC became a recommending body, and the decision authority was placed with the Director of the Department.



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Authority of the SBC (cont.)

The SBC presides over:

- **Annexation** of lands into a city
- **Incorporation** of a new city or village
- **Consolidation** of a city and another jurisdiction

The SBC does not preside over:

- Consolidation of Townships
- Land transfers between townships or townships and a village
- Detachment of land from a city
- Intergovernmental Conditional Transfer Of Property by Contract under 1984 PA 425
- Urban Cooperative Agreements under 1967 PA 7



State Boundary Commission

Makeup of Commission

The SBC is comprised of:

- 3 state members appointed by the Governor and confirmed by the Senate to a 3 year term or until a successor is appointed and qualified.
- 4 local/county members, 2 regular and 2 alternate, appointed by the Chief Probate Judge to a 3 year term or until a successor is appointed. One regular and 1 alternate member must reside within the incorporated limits of a city within the county, and 1 regular and 1 alternate member must reside in a township within the county.



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Who Can File a Petition with the SBC ?

Annexations

- Private Landowner of 75% of land proposed for annexation
- City Council
- Petitions signed by voters residing on the land proposed for annexation
- Petitions signed by voters residing in the affected municipalities

Incorporations

- By signing of petition by local citizens

Consolidations

- By signing of petition by local citizens



State Boundary Commission

Petition/Docket Process?

- 1) Filing**
- 2) Legal Sufficiency**
- 3) Involved and Interested Parties Questionnaires**
- 4) Public Hearing/Comments and Rebuttals**
- 5) Adjudicative Meeting**
- 6) Summary of Proceeding, Findings of Fact and Conclusions of Law**
- 7) Order**



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Consolidation

Since the initiation of the SBC in 1969 there have been:

- 19 consolidations have been filed
- 14 of which were approved by the SBC
- 2 of these 14 had their charters approved and completed the process to become a new consolidated city
 - Iron River
 - Battle Creek
- 1 consolidation petition is in process
 - The City of the Village of Douglas and the City of Saugatuck



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Consolidation Process

In addition to the 7 step process previously described, consolidation allows:

- Local voters the right to petition for a referendum on continuing the consolidation process after the State's approval order but prior to the election of a charter commission.
- Voters must also approve the proposed charter within 3 years of the date of the order approving the consolidation, or the process ends.



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Filing Criteria

Annexations

- Developers/property owners seeking City services
- Cities seeking economic development projects
- Existing businesses seeking to expand into adjacent area
- Cities seeking to maintain compact boundaries

Incorporations

- Villages/portions of a Township desiring more autonomy
- Villages/portions of a Township desiring more urban services

Consolidations

- Citizens desiring to avoid perceived redundant governmental costs
- Citizens desiring more political clout for their area
- Jurisdictions with similar goals and characteristics (economic drivers, etc.)



State Boundary Commission

Associated Cost

There are no direct costs incurred by the State of Michigan for the operation of the SBC

Annexations

- Legal, staff and technical costs
- Marketing
- Bad Blood

Incorporations/Consolidations

- Legal, staff and technical costs
- Election costs
- Marketing
- Bad Blood



State Boundary Commission

Statutory Changes

- Change how referendum and charter votes are counted
- Population threshold for incorporations

Streamline Process

- Repeal portion of ERO #1996-2 affecting Commission
- New Administrative Rule in approval process



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SBC Webpage

<http://www.michigan.gov/sbc>

SBC Forms/Petitions

http://www.michigan.gov/lara/0,4601,7-154-35299_10575_33813_33820---,00.html



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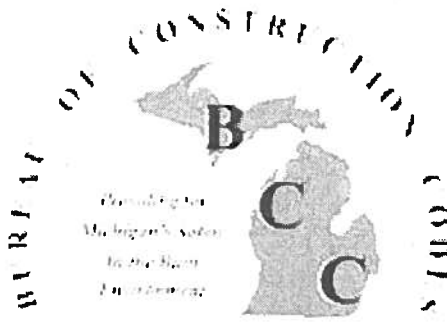
???Questions???

Thank You

Office of Land Survey & Remonumentation
Bureau of Construction Codes
Department of Licensing and Regulatory Affairs
P.O. Box 30254 – Lansing, MI 48909
Phone: 517-241-6321
Fax: 517-241-6301
bccolr@michigan.gov



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CODE WORKS!

WWW.MICHIGAN.GOV/BCC

FALL 2012

WORDS FROM DIRECTOR IRVIN J. POKE, AIA

As 2012 draws to a close, I thought this would be a good opportunity to share some of the bureau's accomplishments this past year.

- The bureau has identified subject matter experts and is ready to establish workgroups to begin the implementation process of software designed to improve the bureau's electronic capability to handle permits, licensing, and plan review functions.

- Draft boiler, building, rehabilitation, electrical, elevator, mechanical, plumbing, Boundary Commission, and survey and remonumentation rules have been reviewed by their respective rules committees and are moving through the promulgation process. Most of the rules are expected to become effective in 2013.

- The bureau continues to review and refine its complaint process. In addition to drafting a procedure to guide internal handling of complaints, the bureau is creating a complaint form that helps complainants provide the information and documents needed for review of their complaint.

- The bureau now posts licensing actions on its website. In addition, four public service announcements are available with tips on using elevators and escalators safely, and to remind consumers that smoke alarms need to be changed periodically because they do not last indefinitely.

- The bureau reviewed the performance evaluation process authorized by 1972 PA 230, the Single State Construction Code Act. The goal was to streamline the process and create standard report templates to make the most of the time bureau staff spends with the local unit of government during a performance evaluation.

- BCC refined its school safety inspection reporting system so that inspection reports are clearer, they indicate when permits are required, and they show the items that must be completed before the building can be occupied. Items that can be addressed after occupancy are identified with a time frame for completion.

- The bureau completed a project with the Michigan Historical Foundation and the Michigan Department of Natural Resources to image the original Government Land Office survey maps from the mid 1800s. The historical maps show the original square mile sections within individual townships in Michigan. They are now available for public use and viewing free of charge at www.seekingmichigan.org.

OFFICE OF LAND SURVEY AND REMONUMENTATION

STATE BOUNDARY COMMISSION DOCKET REVIEW PROCESS

By Chris Beland, Director

Office of Land Survey and Remonumentation

Created by statute in 1968, the State Boundary Commission (SBC) is responsible for adjudicating many types of municipal boundary adjustments, including, city and village incorporations, consolidations, and annexations to cities. Executive Order 1996-2 transferred the final authority for all SBC cases to the director of the Department of Licensing and Regulatory Affairs (LARA), and the SBC support staff is located in the Bureau of Construction Codes, Office of Land Survey and Remonumentation (OLSR). The SBC serves as a quasi-judicial body, evaluating petitions for proposed boundary adjustments against statutory criteria in order to protect the interests of property owners, local residents, local units of government, etc. SBC dockets for proposed boundary adjustments are reviewed through the following process.

1. Filing

Petitions for proposed boundary adjustments are filed with the Office of Land Survey and Remonumentation (OLSR). Upon receipt, each petition is assigned a docket number corresponding to the year it was filed, the type of petition, and its numerical sequence by the type of petition. Within 10 days of receipt, a "Notice of Filing" is transmitted to the clerks of the local units of government, state and local boundary commissioners, the petitioners, and any other designated parties. Once filed, a petitioner can not change the documentation filed, and the petition/docket shall stand or fall on its own content.

2. Legal Sufficiency

OLSR reviews the petition for compliance with filing requirements, which may include valid signatures, a substantially accurate and unambiguous map of the proposed boundary adjustment area, a substantially accurate legal description of the proposed boundary adjustment area that is also consistent with the map, records on file with the Office of the Great Seal at the Department of State to verify consistency and contiguity between the existing

boundaries and the proposed boundary adjustment area, etc. Upon completion of its review, OLSR provides the SBC with written comments and its opinion on legal sufficiency of the docket. The SBC reviews the docket along with the staff comments at an adjudicative meeting to determine the legal sufficiency of the request. If a docket is found to be legally sufficient it continues on in the process. If, however, a request is found to be legally insufficient, the process proceeds directly to Summary of Proceeding, Findings of Fact, and Conclusions of Law.

3. Involved and Interested Parties Questionnaires

If the SBC deems the petition as legally sufficient, the OLSR will send a questionnaire to the petitioner and all affected cities, villages and townships. The questionnaire is designed to allow the SBC to obtain information related to the 18-point criteria specified in Section 9 of the State Boundary Commission Act, 1968 PA 191, MCL 123.1009.

4. Public Hearing

When a petition is found to be legally sufficient, the SBC schedules a public hearing, which is held in or reasonably near the municipalities involved in the proposed boundary adjustment. At the public hearing, the SBC receives comment from the involved and interested parties and the public on the proposed boundary adjustment in question. Immediately following the public hearing, a public comment period is opened for 30 days, in which time the SBC will receive written comments from the general public. An additional seven-day rebuttal period is open after the public comment period closes, as designated by SBC staff.

5. Adjudication

After the Public Hearing, the SBC considers the docket material and public comment in context with the 18-point criteria specified in Section 9 of the State Boundary Commission Act, 1968 PA 191, MCL 123.1009, and votes on what decision to recommend to the director of LARA.

OFFICE OF LAND SURVEY AND REMONUMENTATION (CONT)

123.1009 Review of proposed incorporation; criteria. Sec. 9. Criteria to be considered by the commission in arriving at a determination shall be:

(a) Population; population density; land area and land uses; assessed valuation; topography, natural boundaries and drainage basins; the past and probable future urban growth, including population increase and business, commercial and industrial development in the area. Comparative data for the incorporating municipality, and the remaining portion of the unit from which the area will be detached shall be considered.

(b) Need for organized community services; the present cost and adequacy of governmental services in the area to be incorporated; the probable future needs for services; the practicability of supplying such services in the area to be incorporated; the probable effect of the proposed incorporation and of alternative courses of action on the cost and adequacy of services in the area to be incorporated and on the remaining portion of the unit from which the area will be detached; the probable increase in taxes in the area to be incorporated in relation to the benefits expected to accrue from incorporation; and the financial ability of the incorporating municipality to maintain urban type services in the area.

(c) The general effect upon the entire community of the proposed action; and the relationship of the proposed action to any established city, village, township, county or regional land use plan.

6. Summary of Proceedings, Findings of Fact, and Conclusion of Law

The next step is the adoption of a Findings of Fact document that reflects the Commission's recommendation and outlines the facts relevant to the proposal and the considerations on which the Boundary commissioners based their action.

7. Order

A proposed Order, accompanied by the Findings of Fact document, is then transmitted to the director of LARA requesting concurrence with the SBC's recommendation. The director may choose to concur with the SBC's recommendation by signing the proposed Order, or if the director disagrees with the SBC's recommendation, they may sign an Order to make a different decision than that recommended by the SBC.

After the Order is signed, public officials and residents of the affected territory may, in some cases, appeal the decision by circulating a petition requesting a referendum election, or they can file an appeal in Circuit Court for judicial review. If a referendum petition is filed within the statutory timeline, the SBC reviews the petition for validity. If this petition is deemed legally sufficient, the SBC will recommend that the director sign a new Order to place the question on the ballot. If a majority of voters approve the referendum question, then proceedings continue toward drafting a charter for either the requested incorporation or consolidation, or the annexation is implemented. Otherwise, the proceedings are terminated.

Questions may be directed to the Office of Land Survey and Remonumentation at (517) 241-6321.

ATTENTION READERS!

If you know of an organization or individual that would benefit from the information posted in BCC's newsletter, please direct them to our website at www.michigan.gov/bcc. Under the "Publications, Bulletins & Advisories" heading, click on the Code Works! link for more information on how to subscribe and receive an electronic notification of when each quarterly newsletter is posted.